

issue a stay requires an evaluation of what effect a stay would have on the public interest. The only argument AT&T makes on this point is its incorrect claim that the Order unlawfully eliminates the tariff filing requirement of Section 203 of the Act.³⁵ In essence, AT&T simply repeats its "likelihood of success" argument to attempt to satisfy a different prong of the stay test.

As explained above, the Commission's Order only modifies, and does not eliminate, the tariff filing requirement of Section 203 and, therefore, is fully within the Commission's authority to implement under the statute. In any event, refusal to stay the effectiveness of the Commission's Order would serve the public interest. Permitting nondominant carriers to file ranges of rates would have considerable public interest benefits for all of the reasons stated in the Order and supported in the record.

The Commission's action will reduce the costs and administrative burdens of filing minor tariff revisions, which itself will result in lower costs and, likely, lower nondominant carrier rates; will benefit consumers and taxpayers -- and certainly the Commission itself -- by reducing the number of tariffs the Commission must accommodate and process; and will stimulate competition since nondominant carriers will have increased flexibility to respond more immediately to changes in marketplace

³⁵ Application at 19.

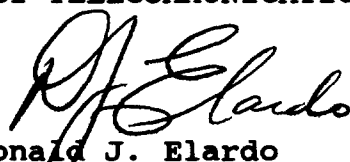
conditions.³⁶ There is no justification for depriving the public of these benefits during the pendency of AT&T's appeal. Accordingly, it clearly would serve the public interest to refuse to stay the Commission's Order.

CONCLUSION

For all the foregoing reasons, the Commission should deny AT&T's Application for a Stay pending appeal.

Respectfully submitted,

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³⁶ Order at ¶ 32.

CERTIFICATE OF SERVICE

I, Cassandra Santos, do hereby certify that on this 15th day of September, 1993, a copy of the foregoing "Opposition to AT&T Application for Stay of Order Pending Appellate Review" was mailed by the U.S. first class mail, postage prepaid, to the parties listed below.

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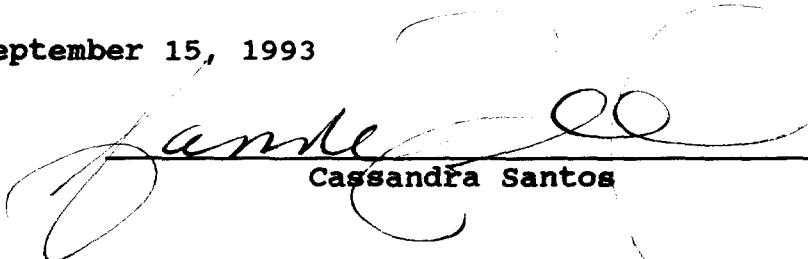
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